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*Counsel for Defendants Google LLC, et al.*

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA,  
3 SAN FRANCISCO DIVISION  
4

5 **IN RE GOOGLE PLAY STORE**  
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 This Document Relates To:

**DECLARATION OF JUSTIN P.**  
**RAPHAEL IN SUPPORT OF**  
**DEFENDANTS' MOTION TO**  
**EXCLUDE MERITS OPINIONS**  
**OF DR. HAL J. SINGER**

8 *In re Google Play Consumer Antitrust*  
9 *Litigation*, Case No. 3:20-cv-05761-JD

10 *State of Utah et al. v. Google LLC et al.*, Case  
11 No. 3:21-cv-05227-JD

Judge: Hon. James Donato

1 I, Justin Raphael, declare as follows:

2 I am an attorney duly admitted to practice law in the State of California and before this  
 3 Court. I am a Partner at Munger, Tolles & Olson LLP, and represent the Defendants in this  
 4 action. I submit this Declaration in support of Defendants' Motion to Exclude the Merits  
 5 Opinions of Dr. Hal J. Singer. The contents of this declaration are based on my personal  
 6 knowledge, including my personal knowledge of the documents cited herein. The facts set forth  
 7 herein are within my personal knowledge and, if called as a witness, I could and would  
 8 competently testify to them.

9 **Exhibit 1** is a true and correct copy of the Updated Merits Report of Hal J. Singer, Ph.D.,  
 10 dated October 19, 2022.

11 **Exhibit 2** is a true and correct copy of the expert report of Dr. Gregory K. Leonard, dated  
 12 November 18, 2022.

13 **Exhibit 3** is a true and correct copy of excerpts of the transcript of the deposition of Marc  
 14 S. Rysman, Ph.D, dated March 10, 2023.

15 **Exhibit 4** is a true and correct copy of excerpts of the transcript of the deposition of Hal J.  
 16 Singer, Ph.D., dated April 4, 2023.

17 **Exhibit 5** is a true and correct copy of excerpts of the transcript of the July 19, 2022  
 18 hearing in this matter.

19 **Exhibit 6** is a true and correct copy of the Merits Rebuttal Report Errata of Hal J. Singer,  
 20 Ph.D., dated January 6, 2023.

21 **Exhibit 7** is a true and correct copy of excerpts of the transcript of the deposition of Hal J.  
 22 Singer, Ph.D, dated May 12, 2022.

23 **Exhibit 8** is a true and correct copy of Kenneth Train, *Logit*, in *Discrete Choice Methods*  
 24 *with Simulation*, 48 (Cambridge Univ. Press 2009), marked as Defense Exhibit 1114 at the merits  
 25 deposition of Dr. Singer.

26 **Exhibit 9** is a true and correct copy of Daniel L. McFadden, *Economic Choices*, Nobel  
 27 Prize Lecture (Dec. 8, 2000), pp. 330–365, marked as Defense Exhibit 1116 at the merits  
 28 deposition of Dr. Singer.

**Exhibit 10** is a true and correct copy of Gregory J. Werden & Luke M. Froeb, *The Effects of Mergers in Differentiated Products Industries: Logit Demand and Merger Policy*, 10 Journal of Law, Economics & Organization 407 (Oxford Univ. Press 1994).

**Exhibit 11** is a true and correct copy of Daniel L. McFadden, “Econometric Models of Probabilistic Choice,” in *Structural Analysis of Discrete Data with Econometric Applications*, 1981, pp. 222–223 (MIT Press, Cambridge 1981).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 20<sup>th</sup> day of April in San Francisco, California.

By: /s/ Justin P. Raphael  
Justin P. Raphael